

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**Title 18, United States Code,
Section 371 --- Conspiracy☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**E-filing****PENALTY:**

Maximum term of imprisonment of 5 years, maximum fine of \$250K or twice gross gain/loss, maximum term of supervised release of 3 years, mandatory \$100 special assessment

PROCEEDINGName of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Kyle F. Waldinger

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT - U.S.****JACQUELINE FROELICH-L'HEUREAUX**

DISTRICT COURT NUMBER

CR 07 0337**DEFENDANT****MHP****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

SCOTT N. SCHOOLS (SC 9990)
United States Attorney

FILED
JUN 30 PM 1:31
RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MHP

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACQUELINE FROEHLICH-
L'HEUREAUX,

Defendant.

CR No. 07 0337

VIOLATION: 18 U.S.C. § 371 —
Conspiracy to Gain Unauthorized Access
to a Protected Computer, Exceed
Authorized Access to a Protected
Computer, and Traffic in a Password
Allowing Unauthorized Access to a
Protected Computer

SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges:

BACKGROUND

At all times relevant to this Information:

1. Korn/Ferry International ("Korn/Ferry") was an executive search firm headquartered in Los Angeles, California. Korn/Ferry also maintained a Silicon Valley office, located in Redwood City, California (San Mateo County), as well as a San Francisco office. Korn/Ferry was one of the leading providers of executive recruitment services to businesses in the United States.

2. In performing their work, Korn/Ferry employees relied heavily on the

INFORMATION
[FROEHLICH-L'HEUREAUX]

1 “Searcher” database, a highly confidential and proprietary database of executives,
2 companies, and prior engagements. Using the “Custom Report” feature of the Searcher
3 database, Korn/Ferry employees could quickly sort through information in the database to
4 create targeted reports on executives, companies, and prior engagements for use in
5 candidate development for clients and in client presentations.

6 3. The information contained in the Searcher database regarding executives,
7 companies, and Korn/Ferry’s prior engagements was the product of the efforts of
8 hundreds of Korn/Ferry employees over many years. Korn/Ferry considered the Searcher
9 database to be one of the most comprehensive databases of executive candidates in the
10 world. It also considered the information in Searcher regarding Korn/Ferry’s prior
11 engagements to be extremely valuable when initiating subsequent searches for executives
12 for similar positions.

13 4. Korn/Ferry undertook considerable measures to maintain the confidentiality
14 of the information contained in the Searcher database. These measures included
15 controlling electronic access to the Searcher database, as well as controlling physical
16 access to the computer servers that contained the database. Korn/Ferry employees
17 received unique “usernames” and created passwords for use on the company’s computer
18 systems, including for use in accessing the Searcher database. These usernames and
19 passwords were intended to be used by the Korn/Ferry employee only.

20 5. Korn/Ferry also required all of its employees to enter into agreements that
21 both explained the proprietary nature of the information in Searcher and restricted the use
22 and disclosure of the information in Searcher, except for legitimate Korn/Ferry business.

23 6. In addition to the measures set out above, Korn/Ferry declared the
24 confidentiality of information in the Searcher database by placing the language
25 “Korn/Ferry Proprietary and Confidential” on every Custom Report generated from
26 Searcher.

27 7. The individual identified herein as “Individual A” was employed by
28 Korn/Ferry in its Silicon Valley office and elsewhere from approximately April 1996 until

1 approximately October 2004.

2 8. After Individual A terminated employment with Korn/Ferry, Individual A
3 planned to start an executive search firm.

4 9. The defendant Jacqueline Froehlich-L'Heureaux was employed by
5 Korn/Ferry from approximately December 1997 to August 2005. Froehlich-L'Heureaux
6 served as Individual A's executive assistant prior to Individual A's separation from
7 Korn/Ferry. After Individual A's separation from Korn/Ferry, Froehlich-L'Heureaux
8 continued her employment at Korn/Ferry but assisted Individual A in setting up
9 Individual A's new executive search firm.

10 10. The individuals identified herein as "Individual B" and "Individual C" were
11 also employed at Korn/Ferry until approximately early 2005. After their separation from
12 Korn/Ferry, Individual B and Individual C set up their own executive search firms. In
13 truth, however, both Individual B and Individual C worked with Individual A in setting
14 up Individual A's new executive search firm and assisted, or were assisted by, Individual
15 A in conducting executive searches during approximately the spring and summer of 2005.

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INFORMATION

[FROEHLICH-L'HEUREAUX]

1 COUNT ONE: (18 U.S.C. § 371 — Conspiracy to Gain Unauthorized Access to a
 2 Protected Computer, Exceed Authorized Access to a Protected
 3 Computer, and Traffic in a Password Allowing Unauthorized Access
 4 to a Protected Computer)

5 11. The factual allegations in paragraphs 1 through 10 are re-alleged and
 6 incorporated herein as if set forth in full.

7 12. Beginning on a date unknown, and continuing to on or about August 2,
 8 2005, in the Northern District of California, and elsewhere, the defendant

9 JACQUELINE FROEHLICH-L'HEUREAUX,
 10 and others, did knowingly and intentionally combine, conspire, and agree to gain
 11 unauthorized access to a protected computer, exceed authorized access to a protected
 12 computer, and traffic in a password allowing unauthorized access to a protected
 13 computer, in violation of Title 18, United States Code, Sections 1030(a)(4),
 14 1030(c)(3)(A), and 1030(a)(6)(A).

15 OVERT ACTS COMMITTED IN FURTHERANCE OF THE CONSPIRACY

16 13. In furtherance of the conspiracy and to effect the objects thereof, the
 17 following overt acts, among others, were committed in the Northern District of
 18 California, and elsewhere:

19 a. On May 3, 2005, Individual C sent an e-mail to Individual B and Individual
 20 A with an attachment "for the MEMC search" The attached document
 21 ("Semiconductor HR.xls") was a spreadsheet containing approximately 19 executive
 22 names with contact information. The header of the spreadsheet contained the text
 23 "Korn/Ferry International San Francisco."

24 b. On or about May 26, 2005, the defendant Jacqueline Froehlich-L'Heureaux
 25 received two e-mails from Individual B containing the names of a total of 17 individuals
 26 for whom Individual B wanted information from the Searcher database. In the second e-
 27 mail, Individual B also requested information regarding a prior Korn/Ferry search
 28 engagement. At the time, Froehlich-L'Heureaux was still employed by Korn/Ferry;
 Individual B was not.

1 c. In response to Individual B's e-mails, the defendant Jacqueline Froehlich-
2 L'Heureaux obtained each individual's information from Searcher and obtained the
3 information in Searcher regarding the prior Korn/Ferry search engagement identified by
4 Individual B.

5 d. The defendant Jacqueline Froehlich-L'Heureaux then copied all of the files
6 containing the requested information onto a CD. Froehlich-L'Heureaux later provided
7 this CD to Individual B.

8 e. On or about June 3, 2005, the defendant Jacqueline Froehlich-L'Heureaux
9 performed a complex Searcher query for human resource managers working for various
10 companies. In response to Froehlich-L'Heureaux's query, the Searcher database
11 generated a Custom Report yielding approximately 366 executives with their pertinent
12 information.

13 f. The defendant Jacqueline Froehlich-L'Heureaux then exported the Custom
14 Report to a Microsoft Excel spreadsheet, titled it "Choc Chip Cookie Recipes," and saved
15 the file to her computer Desktop folder. Froehlich-L'Heureaux then copied the "Choc
16 Chip Cookie Recipes" file onto a CD titled "ChocChip Cookies." Froehlich-L'Heureaux
17 later provided this CD to Individual B for use in an executive search that Individual B
18 was performing with Individual A and Individual C for the company MEMC.

19 g. On or about June 23, 2005, the defendant Jacqueline Froehlich-L'Heureaux
20 performed a Searcher query for senior vice president supply chain managers working at
21 various companies. In response to Froehlich-L'Heureaux's query, the Searcher database
22 generated a Custom Report yielding approximately 1205 executives with their pertinent
23 information.

24 h. The defendant Jacqueline Froehlich-L'Heureaux then exported the Custom
25 Report to a Microsoft Excel spreadsheet and titled it "Book2." Froehlich-L'Heureaux
26 then proceeded to remove the "Korn/Ferry Proprietary and Confidential" statement
27 (which had been automatically generated by the Searcher program) from the spreadsheet.
28 She saved the "Book2" file to her computer Desktop folder, and then copied the "Book2"

1 file onto a CD titled "Book2 Genesis." Froehlich-L'Heureaux later provided the "Book2"
2 file to Individual C. At the time, Froehlich-L'Heureaux was still employed by
3 Korn/Ferry; Individual C was not.

4 i. On July 29, 2005, using Individual B's laptop computer, the defendant
5 Jacqueline Froehlich-L'Heureaux remotely logged into Korn/Ferry's computer network
6 with her Korn/Ferry username and password. Once logged in, Froehlich-L'Heureaux
7 returned control of the computer to Individual B. Individual B then proceeded to query
8 Korn/Ferry's Searcher database and download information from that database onto the
9 computer.

10 All in violation of Title 18, United States Code, Section 371.

11
12 DATED: 5/29/07

SCOTT N. SCHOOLS
United States Attorney

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14 
15 MATTHEW A. PARRELLA
16 Chief, CHIP Unit

17 Approved as to Form:


18 KYLE F. WALDINGER
19 Assistant United States Attorney
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